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Co-Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re FINISAR CORP. DERIVATIVE
LITIGATION

This Document Relates To:

ALL ACTIONS.

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Master File No. C-06-07660-RMW
STIPULATION AND [] ORDER
EXTENDING THE DEADLINE FOR
FILING A MOTION FOR SUBSTITUTION
PURSUANT TO RULE 25(a)

1 WHEREAS, the Supplemental Second Amended Consolidated Verified Shareholder
2 Derivative Complaint (the "SSAC"), the operative complaint in this matter, was filed on June 3,
3 2008 (Dkt. Nos. 62-65);

4 WHEREAS, the SSAC named defendants Jan Lipson and Larry D. Mitchell, among other
5 defendants;

6 WHEREAS, Larry D. Mitchell passed away on January 22, 2010;

7 WHEREAS, Jan Lipson passed away on July 18, 2010;

8 WHEREAS, the parties' Request for Case Management Conference and Joint Case
9 Management Conference Statement, filed on August 19, 2011 (Dkt. No. 112), made note of
10 Mr. Mitchell's and Mr. Lipson's passing, arguably triggering the 90-day period within which any
11 party may file a motion for substitution of a party pursuant to Rule 25(a) of the Federal Rules of
12 Civil Procedure;

13 WHEREAS, in order to preserve the pending claims, and in light of the parties' upcoming
14 mediation, the parties wish to extend the deadline by which a party must file a motion for
15 substitution pursuant to Rule 25(a), until February 17, 2012; and

16 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial
17 efficiency and will not cause prejudice to any party;

18 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs, the Lipson
19 2000 Revocable Trust Under Agreement Dated September 28, 2000 and the Mitchell Revocable
20 Family Trust, through their respective counsel, subject to approval of the Court as follows:

21 1. The date within which any party must file a motion for substitution pursuant to Rule
22 25(a) is extended until February 17, 2012.

23 IT IS SO STIPULATED.

24 DATED: November 17, 2011

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s/ Christopher M. Wood
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20 Co-Lead Counsel for Plaintiffs

21 DATED: November 17, 2011

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WORKMAN and for the LIPSON 2000
REVOCABLE TRUST UNDER AGREEMENT
DATED SEPTEMBER 28, 2000

DATED: November 17, 2011

DLA PIPER
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s/ David A. Priebe
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Attorneys for Nominal Defendant FINISAR
CORPORATION and the MITCHELL
REVOCABLE FAMILY TRUST

I, Christopher M. Wood, am the ECF User whose identification and password are being used to file the Stipulation and [Proposed] Order Extending the Deadline for Filing a Motion for Substitution Pursuant to Rule 25(a). In compliance with General Order 45.X.B, I hereby attest that Sarah A. Good and David A. Priebe have concurred in this filing.

DATED: November 17, 2011

By: s/ Christopher M. Wood
CHRISTOPHER M. WOOD

* * *

ORDER

Having considered the parties' Stipulation, and good cause appearing, the Court hereby GRANTS the parties' Stipulation.

IT IS SO ORDERED.

DATED: FFGJFF


THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE